

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

NIGERIA LEE HARVEY,

Case No. 19-CV-2866 (JRT/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

SARAH LINDAHL-PFIEFFER,
Hennepin County Court Administrator;
HENNEPIN COUNTY; and THE CITY
OF MINNEAPOLIS,

Defendants.

In an order dated November 13, 2019, this Court ordered plaintiff Nigeria Lee Harvey, a prisoner, to pay an initial partial filing fee of \$38.00, consistent with 28 U.S.C. § 1915(b). (*See* Dkt. 3.) Harvey was given 20 days to pay this initial partial filing fee, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Harvey has not paid the required initial partial filing fee. In fact, Harvey has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under

Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: December 17, 2019

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).